

OVERVIEW OF MEDIATION

The mediation process will allow the client petitioner(s) and the lawyer respondent to meet with one or more impartial mediators in an attempt to reach a satisfactory conclusion to the fee dispute. **The mediator(s) will aid the parties to reach an agreement, but they will not make a decision as to how the dispute will be resolved.**

If the client petitioner fails or refuses to consent to mediation or arbitration within (30) thirty days, the matter will be closed. If the client petitioner fails to appear at a scheduled mediation session without notice or good cause, the complaint will be dismissed and the file will be closed.

MEDIATION SESSION

If all parties agree to mediation, one or more mediator(s) will be assigned. Typically when co-mediators are assigned, one is a lawyer and the other is a non-lawyer professional. **All mediators and arbitrators are volunteers who give their personal time as a public service to help the parties attempt to resolve the dispute.**

The parties will be given written notice of the date, time and location prior to the session. All parties may bring to the session any documentation which they believe may be of assistance in the matter.

A lawyer for either party may be present and participate at the hearing. If not represented by a lawyer, the parties may bring a support person with them. The parties may also bring any witnesses with them to the hearing.

The mediator(s) will **not** decide the matter but will assist the parties in negotiating a mutually acceptable resolution. A mediation session is typically very informal where the parties meet with the mediator(s) to try to resolve the dispute. At the hearing, the mediator(s) will give all parties and witnesses an opportunity to be heard and present their views. If appropriate the mediator(s) may meet with each of the parties alone in what is called a "private caucus". The mediator(s) may not reveal any information about the discussions in the private caucus to the other party without permission. The mediator(s), through negotiation, will attempt to move the parties to an agreement that is mutually acceptable to both.

LOCATION OF MEDIATION SESSION

Following consent from both parties, the program administrator will arrange for the mediation session to be held as quickly as possible. Usually, the session will be conducted either in the county in which the lawyer maintains an office or at another location convenient to the persons bringing the complaint or the volunteer mediator(s). If it would cause a hardship for one or more of the clients to attend in person, the mediation or binding arbitration hearing may be held by telephone conference, although person-to-person mediation is preferable. The program administrator has the authority to make that determination.

MEDIATION AGREEMENT

Any agreement reached will be reduced to writing and signed by the parties. Each will receive a copy of the agreement.

All parties agreeing to mediation must agree to participate and negotiate in good faith and be willing to at least consider any reasonable compromise. If the parties are not willing to negotiate, they should consider binding arbitration instead of mediation.

If the parties cannot settle the dispute in mediation, the mediator(s) will offer the parties the option of finally resolving the matter through binding arbitration; however, all parties must give written consent to binding arbitration in order to proceed further.